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Signed and Filed: March 02, 2010

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

5 Attorney for: Secured Creditor,  
6 EMC Mortgage Corporation as servicing agent for Wells Fargo Bank, National Association as  
7 Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc., GreenPoint  
8 MTA Trust 2005-AR5, Mortgage Pass-Through Certificates, Series 2005-AR5, assigns and/or  
successors

10 UNITED STATES BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 In re: ) Case No. 09-32859 M  
15 Imad N. Khater, )  
15 Marilena V. Khater, ) Chapter 13  
16 )  
16 Debtors. ) RS No. KMR-4843  
17 )  
17 )  
18 ) **ORDER ON MOTION FOR RELIEF**  
18 ) **FROM AUTOMATIC STAY**  
19 )  
19 )  
20 ) Date: 02/25/2010  
20 ) Time: 9:30 a.m.  
21 ) Ctrm: 22  
21 ) Place: 235 Pine Street  
22 ) San Francisco, CA  
22 )  
23 ) Judge: Dennis Montali  
23 )  
24 )

25 The motion of Secured Creditor, EMC Mortgage Corporation as servicing agent for  
26 Wells Fargo Bank, National Association as Trustee for the Certificateholders of Structured Asset  
27 Mortgage Investments II Inc., GreenPoint MTA Trust 2005-AR5, Mortgage Pass-Through  
28 Certificates, Series 2005-AR5, assigns and/or successors, for relief from the automatic stay came

29 File No. CA-09-14995  
1 Order on Motion for Relief From Stay  
Case No. 09-32859 M

on regularly for hearing by the Court on the date, time and place set forth above, before the Honorable Dennis Montali. Movant, EMC Mortgage Corporation as servicing agent for Wells Fargo Bank, National Association as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc., GreenPoint MTA Trust 2005-AR5, Mortgage Pass-Through Certificates, Series 2005-AR5, assigns and/or successors, appeared by and through its Attorney of Record, McCarthy & Holthus, LLP by Kelly M. Raftery, Esq.. All other appearances are as noted in the court record.

Upon reading the papers and pleadings on file herein, and upon hearing oral argument and based on the evidence presented, the Court rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the automatic stay provisions of 11 U.S.C. § 362 be and are hereby terminated with respect to the interests of Movant, EMC Mortgage Corporation as servicing agent for Wells Fargo Bank, National Association as Trustee for the Certificateholders of Structured Asset Mortgage Investments II Inc., GreenPoint MTA Trust 2005-AR5, Mortgage Pass-Through Certificates, Series 2005-AR5, assigns and/or successors, in the real property commonly known as 740 East 3rd Avenue, #107, 108, 207, 208, Mesa, AZ 85204.

IT IS FURTHER ORDERED that Movant may complete its foreclosure of said real property and proceed with post-foreclosure remedies, including any unlawful detainer action, in accordance with applicable law.

IT IS FURTHER ORDERED Movant, at its option, may offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement as allowed by state law. The Movant may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

IT IS FURTHER ORDERED that this Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

IT IS FURTHER ORDERED The fourteen day stay described in Bankruptcy Rule 4001(a)(3) is waived upon relief.

The Trustee shall not make any further payments on account of movant's secured claim after the entry of this Order. The secured portion of Movant's claim is deemed withdrawn upon entry of this Order without prejudice to Movant's right to file an amended unsecured claim within 30 days for any deficiency

\*\* END OF ORDER \*\*

